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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,380	06/29/2001	Gary L. Graunke	42390P11153	9543

7590 04/27/2005

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EXAMINER

SHIFERAW, ELENI A

ART UNIT	PAPER NUMBER
	2136

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/896,380	GRAUNKE, GARY L.
Examiner	Art Unit	
Eleni A Shiferaw	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 July 2001.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

*Response to Arguments*

1. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.
2. Examiner accepts the amended drawings.
3. Claims 1-21 are presented for examination.

*Claim Rejections - 35 USC § 112*

4. Claims 1, 12, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "...streamed content..." in line 5. There is insufficient antecedent basis for this limitation in the claim. The examiner interprets "...streamed content..." as "...said encrypted streamed content" in light of the specification.
6. Claim 1 recites the limitation "...the first..." in line 8. There is insufficient antecedent basis for this limitation in the claim. Applicant is required to change "...a cipher stream..." to a "...first cipher stream..." in line 2.

7. Claim 12 recites the limitation "...streamed content..." in line 7. There is insufficient antecedent basis for this limitation in the claim. The examiner interprets "...streamed content..." as "...said encrypted streamed content" in light of the specification.

8. Claim 12 recites the limitation "...the first..." in line 10. There is insufficient antecedent basis for this limitation in the claim. Applicant is required to change "...a cipher stream..." to a "...first cipher stream..." in line 4.

9. Claim 17 recites the limitation "...to encrypt streamed content..." in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. The examiner interprets it as "...to encrypt the encrypted streamed content..." in light of the specification.

10. Claim 17 recites the limitation "...the first..." in line 6. There is insufficient antecedent basis for this limitation in the claim. Applicant is required to change "...a cipher stream..." to a "...first cipher stream..." in line 3.

#### ***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A perKamiya shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-21 rejected under 35 U.S.C. 102(e) as being anticipated by Kamiya et al. (Kamiya, Pub. No.: US 2002/0106086 A1).

As per claims 1 and 12, Kamiya discloses a method/medium having stored thereon data representing sequences of instructions which, when executed by a machine, cause the machine to perform operations comprising:

generating a cipher stream based on a first key for encrypted streamed content (Kamiya page 12 par. 0169 lines 1-6, and page 2 par. 0030 lines 4-6; upstream system/content provider generates an encrypted digital data in using first key);

generating a second cipher stream based on a second key (Kamiya page 12 par. 0174 and page 1 par. 0010; generating encrypted key stream based on a second key) to re-encrypt the streamed content (Kamiya page 9 par. 0123, 0127 and 0129; the downstream system/receiver device re-encrypts the decrypted digital data for further protection);

receiving the encrypted streamed content (Kamiya page 1 par. 0006 lines 1-5 and page 9 par. 0120);

simultaneously decrypting and re-encrypting the encrypted content using a combination of the first and the second cipher streams (Kamiya page 9 par. 0123, 0127 and 0129; encrypted key and encrypted digital data are received separately and combined together to simultaneously decrypt the encrypted key and encrypted digital data and decrypted digital data is further encrypted by the receiver);

conveying the re-encrypted content to a sink (Kamiya page 10 par. [0136-0140 and fig. 4 No. 34]).

As per claim 17, Kamiya discloses an apparatus comprising:

a content interface to receive encrypted streamed content (Kamiya page 1 par. 0006 lines 1-5 and page 9 par. 0120);

a computing device to generate a cipher stream based on a first key for encrypted streamed content (Kamiya page 12 par. 0169 lines 1-6, and page 2 par. 0030 lines 4-6; upstream system/content provider generates an encrypted digital data in using first key), to generate a second cipher stream based on a second key to encrypt streamed content (Kamiya page 9 par. 0123, 0127 and 0129; the downstream system/receiver device re-encrypts the decrypted digital data for further protection); and to simultaneously decrypt and re-encrypt the received encrypted streamed content using a combination of the first and the second cipher streams (Kamiya page 9 par. 0123, 0127 and 0129; encrypted key and encrypted digital data are received separately and combined together to simultaneously decrypt the encrypted key and encrypted digital data and decrypted digital data is further encrypted by the receiver); and

a sink interface to convey the re-encrypted content to a sink (Kamiya page 10 par. [0136-0140 and fig. 4 No. 34]).

As per claims 2 and 13, Kamiya teaches the method/medium, wherein simultaneously decrypting and re-encrypting the encrypted streamed content comprises exclusive OR-ing the encrypted streamed content with the cipher stream combination (Kamiya page 9 par. 0123, 0127 and 0129; encrypted key and encrypted digital data are received separately and combined together to

simultaneously decrypt the encrypted key and encrypted digital data and decrypted digital data is further encrypted by the receiver);

As per claims 3 and 14, Kamiya teaches the method/medium, teach all the subject matter as described above. In addition Akiyama teach the method, wherein the cipher stream combination comprises a result of exclusive OR-ing the first and second cipher streams (Akiyama page 1 par. 0010-0012, and page 12 par. 0174; encrypted first key that is encrypted by second key and encrypted second key is combined and transmitted to the receiver).

As per claims 4 and 15, Kamiya discloses the method/medium, wherein the first key and the second key have symmetric agreement (Kamiya page 1 par. 21-24).

As per claims 5, 16 and 18, Kamiya discloses the method/medium/apparatus, further comprising receiving one or more of the first key and the second key over a secure authenticated channel (Kamiya page par. 0023, page 4 par. 0047, and page 30 lines 4-6).

As per claim 6, Kamiya discloses the method, wherein receiving a key over a secure authenticated channel comprises receiving the key from a sales server (Kamiya page 3 par. 0030 lines 4-6).

As per claim 7, Kamiya discloses the method, wherein the secure authenticated channel

comprises an Internet connection (Kamiya Page 8 par. 0014).

As per claim 8, Kamiya discloses the method, wherein the secure authenticated channel comprises a telephone line (Kamiya Page 1 par. 0021, and page 3 par. 0045).

As per claims 9 and 20, Kamiya discloses the method/apparatus, further comprising conveying the second key to the sink to enable the sink to decrypt the re-encrypted content (Kamiya page 9 par. 0123, 0127, 0129, & 0132, and fig. 4 No. 34).

As per claim 10, Kamiya discloses the method, wherein the encrypted streamed content is publicly available and encrypted with a public key and wherein the first key is a locally available private key (Kamiya page 2 par. 0021).

As per claim 11, Kamiya discloses the method, wherein the encrypted content is a broadcasted entertainment program (Kamiya page 5 par. 0074 lines 5-10).

As per claim 19 Kamiya teaches the apparatus, wherein the first key and the second key have symmetric agreement (Kamiya page 1 par. 21-24) and wherein the combination of the first and the second cipher streams is a result of exclusive OR-ing the encrypted content stream with an encryption stream (Akiyama page 1 par. 0010-0012, and page 12 par. 0174; encrypted first key that is encrypted by second key and encrypted second key is combined and transmitted to the receiver).

As per claim 20, Kamiya discloses the apparatus, wherein the computing device conveys the second key to the sink to enable the sink to decrypt the re-encrypted content (Kamiya Page 2 par. [0031-0032]).

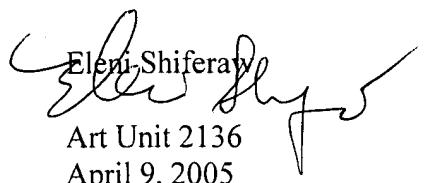
As per claim 21, Kamiya discloses the apparatus, wherein the computing device includes a broadcast entertainment set-top box (Kamiya page 5 par. 0074 lines 5-10, and page 7 par. 0098 lines 1-3).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2136

  
Eleni Shiferaw  
Art Unit 2136  
April 9, 2005